

REMARKS

In response to the restriction requirement advanced by the Examiner in the Official Action dated October 12, 2007, applicants hereby elect the claims of Group I (including claims 1-7 and 12) for further prosecution in this application. This election is, however, made with traverse.

Applicants respectfully disagree with the Examiner's characterization of claims 8-11 as being drawn to a process for preparing S-glyceraldehyde acetonide ("S-GAA") starting from isopropylidene-L-ascorbic acid ("IP-L-AA"). Particularly, while it is true that claims 8-11 start with IP-L-AA, what the claims actually define is a route to isopropylidene-L-threonic acid (IP-L-TA), which is then further processed to obtain S-GAA – i.e., since the claims of Group II depend from and thereby necessarily include the limitations of the claims of Group I whereby IP-L-TA is defined as the starting compound.

By virtue of the dependency of the Group II claims from the Group I claims, the scope of the latter is sufficiently broad to encompass the preparatory process defined by the former. As such, the issue here is one of scope of invention in that the claims of Group II are further limiting of the Group I claims, i.e., additional process steps are defined in the Group II claims to obtain a starting material that is otherwise then processed according to the claims of Group I. Because of this linkage between the claims, a patentability search against the claims of Group I will be coextensive with a search against the claims of Group II and, as such, no burden of search and/or examination appear to exist.

Withdrawal of the restriction requirement and an action on the merits of all pending claims herein (i.e., claims 1-12) is therefore believed to be in order.

QUAEDFLIEG et al
Serial No. 10/574,693
November 12, 2007

Fee Authorization

No fee is believed to be necessary for consideration of this response. However, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100